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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHYN, AILEEN

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/651,202	MEYER ET AL.	
	Examiner	Art Unit	
	Aileen Chyn	3715	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claim 2 is objected to because of the following informalities: On line 22, "librarial", is a topographical error and the examiner suggests changing the word to "library administration".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Abbott et al., "Abbott" (US Patent Pub. 2002/0032576 A1).

With respect to claim 1, Abbott discloses a method comprising:

logging in an end-user via a device in communication with a distributed network (page 3, section [0049], "An authorized representative of a sponsoring entity accesses the instant invention web site via the Internet, logs in to the system and selects New Member registration from a Sponsor's menu."; page 8, section [0186], "The website of

the instant invention offers an industry specific portal ... from the log in home page...", wherein, "INTERNET" is analogous to "DISTRIBUTED NETWORK" and a device in communication with the network is inherent in accessing the instant inventive web site via the Internet.);

identifying educational material to be delivered to the end-user (Figure 1 depicts the Employer identifying "CONTENT" to be delivered; Figure 8, wherein, "CREATE CONTENT" is analogous to "IDENTIFYING EDUCATIONAL MATERIAL"; Figure 15; page 4, section [0083], "FIG. 9 discloses processing associated with the invention's content editor."; and page 6, section [0130], "The CE Guidance Tool is ... to generating a list of appropriate content.");

querying a vendor for on-demand delivery of the educational material (Figure 14 depicts querying a vendor for "VIDEO ON DEMAND"; page 2, section [0038], "FIG. 14 is an illustration of a Video On Demand GUI Form as practiced in the invention preferred embodiment."; and Figure 15 depicts the delivery of educational material from the vendor, wherein "CE PROVIDERS" are analogous to "VENDORS");

receiving payment from the end-user for the educational material (page 3, section [0057], "A membership verification page is provided listing ...an overall price quote."; page 3, section [0058], "(if this method of payment is selected)."; Figure 12A discloses that the professionals "PAY TESTING FEE");

delivering the educational material to the end-user (Figure 12A, wherein, "PROVIDE LISTING & LINK" for "TAKING COURSES" is analogous to "DELIVERING THE EDUCATIONAL MATERIAL"; Figure 8 discloses that after content is created and

approved, the material is added to the course list to be delivered to the end-user; pages 9-10, section [0213], "Virtual Private Network (VPN) ...allow the instant invention to customize content delivery for all levels of CE and distance learning products and services. VPN also allows the instant invention to provide access to resources securely and expediently, and manage the data exchanges between instant invention partners such as regulatory agencies and professional organizations.");,

validating comprehension of the educational material by the end-user (page 9, sections [0196] – [0197], "When the customer selects "Proceed to Test", the test associated with the video will be displayed. The rules for standard CE articles including testing, re-testing and application to transcript all apply here.", wherein "TEST" is analogous to "VALIDATING COMPREHENSION OF EDUCATIONAL MATERIAL"); and

providing notification to a third-party of the delivery of the educational material to the end-user and the comprehension of the educational material by the end-user (Figure 15 discloses providing notification of comprehension; page 1, section [0015], "In brief, the invention's unique services allow ...approving their licensure or certification.", wherein "LICENSURE OR CERTIFICATION" are analogous to "NOTIFICATION OF COMPREHENSION").

Claim 2 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the training material comprises subject matter selected from the group consisting of ... medical...nursing...nursing home administration...and variations and combinations thereof (page 8, section [0189], "medical doctors are required to enter their Social Security number. This is the standard

means of identifying doctors for CE purposes since their license numbers are privileged information.”; page 9, section [0207], “healthcare professionals and record interviews with medical leaders and legends exclusive to our site. ... nurses who represent over 70% of the medical CE market and will include: ...how nursing care is managed; Skills Check, review or update on selected clinical and management skills; Issues, coverage of news items affecting nursing...”).

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the device is a computer (page 1, section [0011], “The functionality and benefits of the instant invention can be best be contemplated and appreciated as a means by which computer-based system”).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the device is a wireless device (pages 5-6, section [0103], “Hours earned through wireless applications. These are credits earned through courses taken via satellite broadcast, radio or hand held devices and tests taken via the present invention.”).

Claim 6 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the distributed network is the internet (page 3, section [0049], “An authorized representative of a sponsoring entity accesses the instant invention web site via the Internet, logs in to the system and selects New Member registration from a Sponsor's menu.”; page 8, section [0186], “The website of the instant invention offers an industry specific portal ... from the log in home page...”, wherein, “INTERNET” is analogous to “DISTRIBUTED NETWORK” and a device in

communication with the network is inherent in accessing the instant inventive web site via the Internet.);

Claim 7 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method comprising issuing a certificate to indicate that the end-user as reviewed and understood the training material (Figure 15 discloses providing notification of comprehension; page 1, section [0015], "In brief, the invention's unique services allow ...approving their licensure or certification.", wherein "LICENSURE OR CERTIFICATION" are analogous to "NOTIFICATION OF COMPREHENSION").

Claim 8 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the training material is delivered to the end-user in a computer readable multimedia format (page 5, section [0086], "Additional invention functionality provides for the support of external products such as PowerPoint and Voice Over, Video on Demand, Streaming Video and Video Conferencing capabilities. Other invention capabilities include loading html pages through the editor and animated images to create a greater sense of understanding for difficult topics ...and intended to provide an automated means of transferring CE credits earned online from an affiliate provider to the member's transcripts.", wherein, "POWERPOINT" is training material in a "COMPUTER READABLE MULTIMEDIA FORMAT").

Claim 9 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the training material is delivered to the end-user in a streaming multimedia format (page 5, section [0086], "Additional invention

functionality provides for the support of external products such as ... Streaming Video and Video Conferencing capabilities.”)

Claims 10-12 are rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the training material is delivered to the end-user in a streaming multimedia format the training material comprises audio and video. (page 5, section [0086], “Additional invention functionality provides for the support of external products such as PowerPoint and Voice Over, Video on Demand, Streaming Video and Video Conferencing capabilities.”; and page 9, section [0192], “Video on Demand is a form of CE content and is available to the invention's customers in the Continuing Education Articles section of the site...All videos will be generated and viewed using Windows Media Player. “; page 9, section [0193], “Upon selecting a CE content that is in a video format, a static page will be generated as illustrated in FIG. 14.”, wherein “VIDEO ON DEMAND” and “VIDEO CONFERENCING CAPABILITIES” inherently possess “AUDIO AND VIDEO”);

Claim 13 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method wherein the training material comprises interactive multimedia (abstract, “A comprehensive system ... comprising interactive processing components to facilitate web-based CE tracking and reporting”; page 5, section [0085], “Other invention capabilities include loading html pages through the editor and animated images to create a greater sense of understanding for difficult topics (i.e.: circulatory system of the heart).”, wherein the “ANIMATED IMAGES” are analogous to “INTERACTIVE COMPONENTS”);

Claim 14 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Abbott discloses a method comprising storing the education status and/or educational history of the end-user (page 7, section [0154], "The invention Resume Tool will essentially be a "wizard" application that collects information from the member, generates an HTML document and stores that document in the member's profile."; sections [0155]-[162], "All resumes will contain the "standard" information one expects to see on a resume, divided into the appropriate sections. The data to be collected will include...Educational History... This will include universities attended, degrees earned and dates.")

Claim 15 is rejected for the reasons set forth hereinabove for claim 14 and furthermore Abbott discloses a method comprising sending a notification to the end-user to indicate that training must be performed (page 7, sections [0147]-[0152], "An automated process will be developed to provide each member with an e-mail notification of the status of their "to do" list on a monthly basis. This reminder will include: Number of hours required by an entity. A list of the courses completed per requiring entity and the number of hours credited. A list of the courses remaining on their list and the number of hours that would be earned. This reminder e-mail is generated whenever the member's transcript is updated. If any employer, agency or association has indicated that it wishes similar notification of the member's progress, an e-mail will also be generated for that entity. This e-mail will only include information pertinent to that entity. ", wherein the "REMINDER PROCESSING OF THE TO DO LIST

PAGE” is analogous to “SENDING NOTIFICATION...THAT TRAINING MUST BE PERFORMED”).

The subject matter of claim 16 is rejected on the grounds corresponding to the reasons given above for claims 1, 14 and 15 and furthermore Abbott discloses a method comprising:

querying the database to identify an end-user that must perform training (page 3, section [0044], “ The present invention's primary relationship with employers is to provide web-based tracking and reporting of CE courses and credits for individual professionals within their employ via a computer compatible network. In some cases, employers will enter into this relationship with the present invention in order to aid in the maintenance of their own accreditation. Hospitals, for example, are audited by their accrediting agencies for compliance of their professional employees with individual certification requirements. “ page 10, sections [0216]-[0217], “ Automated e-Licensure/e-Certification Renewal. The instant invention provides an online processing component to track this process and is a central repository for paperless tracking and reporting of continued competency credits. ...This service is... to automatically renew professional licenses.”, wherein “WEB-BASED TRACKING AND REPORTING” is analogous to “QUERYING THE DATABASE TO IDENTIFY...”).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3715

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al., "Abbott" (US Patent Pub. 2002/0032576 A1) in view of Mcilwaine et al., "Mcilwaine" (US Patent Pub. 2005/0175971 A1).

Claim 5 is rejected for the reasons set forth hereinabove for claim 1. The combination of Abbott and Mcilwaine fail to disclose a method wherein the device is a telephone. However, Mcilwaine discloses a call center including a telephone in communication with a distributed network (Mcilwaine, Figure 1; and page 1, section [0002], "a system...to service telephone calls to or from the customers or other constituents of an organization.").

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a method wherein the device is a telephone as disclosed by Mcilwaine into the method for a device in communication with a distributed network as disclosed by Abbott to provide relevant database information, such as the account file...across a local area network ("LAN") or other communications network (page 1, section [0003]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ziv-EI (U.S. Pat. No. 6,302,698 B1) disclose a method for on-line teaching and learning;

Fai et al. (U.S. Pat. No. 6,561,811 B2) discloses a computer-aided group learning methods and systems; and

Beavers et al. (U.S. Pat. Pub. US 2004/ 0002049 A1) discloses a multicast multimedia learning system and process.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aileen Chyn whose telephone number is 571-272-7176. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monica S. Carter
MONICA CARTER
SUPERVISORY PATENT EXAMINER

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18 January 2006

A.C.

MONICA CARTER
SUPERVISOR & EXAMINER